

Robert A. Mittelstaedt #60359
ramittelstaedt@jonesday.com
David C. Kiernan #215335
dkiernan@jonesday.com
JONES DAY
555 California Street, 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Facsimile: (415) 875-5700

Attorneys for Defendant
Adobe Systems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

cv 11

2509

SIDDHARTH HARIHARAN, individually
and on behalf of all others similarly
situated,

Plaintiff,

v.

ADOBE SYSTEMS INC., APPLE INC.,
GOOGLE INC., INTEL CORP., INTUIT
INC., LUCASFILM LTD., PIXAR, AND
DOES 1-200,

Defendants.

Case No.

**DECLARATION OF JACK GILMORE IN
SUPPORT OF NOTICE OF REMOVAL OF
ACTION FROM STATE COURT
PURSUANT TO 28 U.S.C. §§ 1331, 1332 &
1441**

I, Jack Gilmore, hereby declare:

1. I am employed as HR Business Intelligence Analyst at Adobe Systems, Inc.
("Adobe"). I have held this position since 2/14/2005. I provide this declaration in support of
Defendants' Joint Notice of Removal of Action from State Court Pursuant to 28 U.S.C. §§ 1331,
1332, & 1441. Unless otherwise indicated below, the statements in this declaration are based
upon my personal knowledge or corporate records maintained by Adobe in the ordinary course of
business.

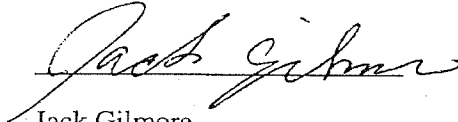
2. I understand that Plaintiff purports to represent a class of individuals described in
Paragraph 29 of the Complaint in this action as follows:

GILMORE DECL. ISO NOTICE OF
REMOVAL OF ACTION

1 All natural persons employed by Defendants in the United States
2 on a salaried basis during the period from January 1, 2005 through
3 January 1, 2010. Excluded from the class are retail employees;
4 corporate officers, members of the boards of directors, and senior
5 executives of Defendants who entered into the illicit agreements
6 alleged herein; and any and all judges and justices, and chambers'
7 staff, assigned to hear or adjudicate any aspect of this litigation.

8 3. As of May 23, 2011, Adobe has approximately 4,955 salaried, non-retail employees
9 who reside in the United States. As of that same date, Adobe has approximately 2,930 salaried,
10 non-retail employees who reside in California. Based on my experience, I believe that the
11 percentage of salaried, non-retail United States employees who reside in California for the entire
12 class period (January 1, 2005 – January 1, 2010) is not materially different from the percentage
13 that the above numbers represent. However, due to the shortness of time, I have not yet been able
14 to make this determination for the entire purported class period.

15 I declare under penalty of perjury under the laws of the United States of America that the
16 foregoing is true and correct. Executed this 23rd day of May, 2011 at San Jose, California.

17
18 
19 Jack Gilmore
20
21
22
23
24
25
26
27
28

SFI-698120v1